

April 19, 2006

Municipal Stormwater NPDES Phase II Comment
Washington State Department of Ecology
Water Quality Program
P.O. Box 47696
Olympia, WA 98504-7696

Department of Ecology
Water Quality Program
APR 20 2006

SUBJECT: **CONCERNS WITH FINAL DRAFT NPDES PHASE II WESTERN
WASHINGTON STORMWATER PERMIT**

Dear Permit Staff :

I am writing on the behalf of the City of Mill Creek regarding the February 2006 Final Draft NPDES Phase II permit. Below, are some of the concerns that we have.

Public involvement regarding developing SWMP: In the Fact Sheet (Page 34, lines 18-22) talks about requiring the permittee to create opportunities for public involvement developing and soliciting comments on the SWMP. The City of Mill Creek agrees to solicit comments on our current SWMP but does not plan on re-developing a SWMP. The City started our SWMP in 2000 and had consultants and the community develop the program then and do not want to spend money on re-developing a program that we already have. We suggest the language be changed to say develop or solicit comments on current SWMP instead of using the word and.

Annual Cost Tracking: We don't believe that tracking of expenditures is necessary to evaluate MEP (maximum extent practicable) standards established in this permit. (Fact Sheet, Page 32, lines 34-36) Each jurisdiction is different therefore costs will be different. In Appendix 3 Part II. Expenditure Report Form 1.2 (Page 3) states "Cost data are needed to make determinations of practicability, compare effectiveness of programs and gauge budget and assistance needs." We don't think it is Ecology's responsibility to gauge our budget and assistance needs since they have made it clear to us that they cannot provide us funds to comply with this permit. We don't think Ecology should be making determinations of practicability or compare effectiveness of programs either. The money for our SWMP is coming from citizens in our community and they should be the ones who should comment on how their money is spent. Annual Cost Tracking should be removed from the permit requirements. This information will require a significant amount of effort to generate and will be of little value.

Fiscal Liability and Staffing Concerns: We are concerned that we will be paying new permit fees and that Ecology will not make the commitment to have the staff in place to properly review all of the Phase II programs that will be required to be submitted. There is no approval process of the SWMP by Ecology

to ensure the permit holder is meeting the permit requirements. If standards are too high, and administrative review is inadequate, our liability exposure is actually increased, rather than reduced.

We ask that you take our comments into consideration so we can work together to resolve these issues.

Sincerely,

A handwritten signature in black ink that reads "Marci Chew". The signature is fluid and cursive, with a long, sweeping horizontal line extending to the right.

Marci Chew
Stormwater Technician

cc: Scott Smith, Acting Public Work Director

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